

REMARKS/ARGUMENTS

This Amendment does not change the claims as presented in the Supplemental Amendment filed on 10/20/2008, nor the arguments in support of patentability thereof. In the Notice of Non-Compliant Amendment, Examiner indicated that the amendments to the claims were improper because each claim was not provided with the proper status identifier, which has been corrected herein.

Claims 1–37 have been cancelled, and new claims 38–56 represent old claims 1–15 and 24–35. The new claims have been drafted pursuant to Examiner’s previous rejections under 35 USC §§ 102, 103, and 112. As all previous claims have been cancelled, Applicant submits that claims 45–54 read upon elected Species B; claims 36–44 read upon Species A. It is Applicant’s position that the new claims have been drafted with the appropriate limitations to overcome Examiner’s previous rejections and objections in light of the remarks/arguments that follow.

Applicant herein argues that U.S. Patent No. 2,990,966 issued to Schramm (hereinafter Schramm), as cited by Examiner, does not anticipate Applicant’s invention under 35 U.S.C. § 102 as currently presented in independent claims 36 or 45. Schramm does not anticipate either claims 36 or 45 at least because there is no powered actuator disclosed therein.

Applicant herein also argues that U.S. Patent No. 3,012,682 issued to Williamson (hereinafter Schramm), as cited by Examiner, does not anticipate Applicant’s invention under 35 U.S.C. § 102 as currently presented in independent claims 36 or 45. Williamson does not anticipate claim 36 at least because Williamson does not disclose a powered actuator that is directly pivotally engaged with a support arm. Instead, a link leg 32 translates movement from the hydraulic cylinder 40 to the tandem arm 26. Williamson does not anticipate either claim 45 at least because Williamson does not disclose a second rotating member.

Applicant herein argues that Schramm in light of Williamson does not render Applicant’s invention obvious under 35 U.S.C. § 103 as currently presented in independent claims 36 or 45. The combination of Schramm and Williamson does not render claim 36 obvious at least because

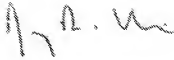
neither Schramm nor Williamson disclose a powered actuator that is directly pivotally engaged with a support arm. Therefore, Applicant's invention includes an element not disclosed in the prior art. The combination of Schramm and Williamson does not render claim 45 obvious at least because neither Schramm nor Williamson disclose a second rotating member. Accordingly, Applicant's invention includes an element not disclosed in the prior art.

For the reasons cited above, neither Schramm nor Williamson standing alone or in combination render any of the dependent claims obvious or anticipated because all dependent claims ultimately depend from either claim 36 or claim 45.

CONCLUSION

In light of the above amendments to the claims and remarks, Applicant submits that the claims are in condition for allowance, and respectfully requests that Examiner withdraw the outstanding rejections and issue a timely Notice of Allowance in this case. If a telephone conference would expedite allowance of the claims, the Examiner may wish to telephone Applicant's attorney at (563) 441-0207.

Respectfully submitted,
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Date: November 3, 2008

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